



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 24, 1998

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Comptroller of Public Accounts
111 East 17th Street, LBJ State Bldg.
Austin, Texas 78774-0100

OR98-1033

Dear Ms. Joseph:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2758 (1997). Your request for reconsideration was assigned ID# 114775.

The Comptroller of Public Accounts (the "comptroller") received a request for information pertaining to six named individuals. In Open Records Letter No. 97-2758 (1997), this office concluded that the comptroller could not withhold the information under sections 803.402 and 825.507 of the Government Code. In Open Records Letter No. 98-0413 (1998), this office affirmed Open Records Letter No. 97-2758 (1997), as we did not receive any briefing from the Employees Retirement System of Texas ("ERS"). In your request for reconsideration, you note that the Teachers Retirement System ("TRS") and ERS disagree with our ruling.

Both ERS and TRS argue that the requested information is confidential pursuant to sections 803.402, 815.503, and 825.507 of the Government Code. Although we agree with their arguments that information regarding individual recipients may be confidential under these provisions in the custody of the comptroller, we disagree that the specific information at issue in this request is confidential under these provisions. In Open Records Letter No. 97-0952 (1997), this office concluded that if the comptroller receives a request for information regarding individual warrants, the comptroller is required to notify any agency on whose behalf the warrants were issued to determine whether the individual warrant information is confidential pursuant to some other source of law. In this instance, however, the request is for "the total pension amount paid out to these individuals *as a group* in 1996," and the total pension amount paid out to these individuals as a group "in the most recent month for which such data are available." We believe that the request does not implicate sections 803.402, 815.503, and 825.507 of the Government Code. Furthermore, we do not believe that

releasing this information on these individuals as a group invades any one individual's right to privacy. Lastly, we do not believe that the law prohibits the comptroller from compiling information from its warrant database in response to a request of this nature, as long as the compiled information does not directly or indirectly reveal information protected by section 825.507 or common-law privacy. We, therefore, affirm Open Records Letter Nos. 98-0413 (1998) and 97-2758 (1997).

If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: ID# 114775

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